FARAD CONTINUATION SHEET NO.:
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
FAMILY COURT APPEAL NO.109 OF 2004

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.R.S.Upadhyay for appellant.
Mr.Sachin Shetye for respondent.

CORAM : H.L GOKHALE &
R.S.MOHITE, JJ.
DATED : 30th November 2004

P.C. :

1. Heard Mr.Upadhyay for the appellant and Mr.Shetye appears for the respondent. The appellant-husband as well as the respondent-wife are both present in Court.

2. An explanation has been filed by Smt.D.S. Kulkarni, Section Officer and Mr.Phirphire, Assistant Registrar, which has been filed in pursuance of the order of the earlier Division Bench passed in the aforesaid Appeal. We accept the explanation.

3. The appellant and the respondent have tendered the Consent Terms duly signed by them and their respective Advocates today in Court. These Consent Terms are taken on record and marked ‘X’ for identification.

4. Under the Consent Terms, the parties have requested that the Petition originally filed by the appellant in the Family Court at Pune, be deemed to be converted into a Petition under Section 13B of the Hindu Marriage Act. We accept that request and accordingly, the Petition shall stand converted into one under Section 13B of the Hindu Marriage Act right from the date of its filing. Both the parties have withdrawn the allegations made against each other. More than sufficient time than the statutory period has passed thereafter.

5. In the circumstances, in view of the Consent Terms, we direct that the marriage solemnized between the appellant and the respondent on 2nd June 1991 shall stand dissolved by a decree of divorce.

6. As far as the other terms of the consent signed by the parties are concerned, we accept those terms and the undertakings as given by them in the Consent Terms. Both the parties are expected and directed to act accordingly.

7. The Appeal stands disposed of in terms of the Consent Terms.

8. All the parties as well as the concerned Authorities of the Family Court will act on an authenticated copy of this order.

(H.L.GOKHALE, J.)

(R.S.MOHITE, J.)